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EU News: Click & Read

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European Documentation Centre

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This newsletter contains a selection of recent official documents of the European Union. It features information of particular interest to Swiss readers and aims to provide universities, cantonal and federal administrations, legal professionals, as well as corporations with information about the latest legal developments in the European Union. Written in English or French, the newsletter offers links to documents in one of those languages.

We hope you will find this issue both useful and a pleasure to read.

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Highlights

Joined Cases C-804/18 and C-341/19. Judgment of the Court (Grand Chamber) of 15 July 2021. IX and MH Müller Handels GmbH v WABE eV and MJ. Requests for a preliminary ruling from the Arbeitsgericht Hamburg and Bundesarbeitsgericht.

Reference for a preliminary ruling – Social policy – Directive 2000/78/EC – Equal treatment in employment and occupation – Prohibition of discrimination on the grounds of religion or belief – **Internal rule of a private undertaking prohibiting the wearing of any visible political, philosophical or religious sign** or the wearing of conspicuous, large-sized political, philosophical or religious signs in the workplace – Direct or indirect discrimination – Proportionality – **Balancing the freedom of religion and other fundamental rights** – Legitimacy of the policy of neutrality adopted by the employer – Need to establish economic loss suffered by the employer.

[EUR-Lex - 62018CJ0804](#)

Case C-742/19. Judgment of the Court (Grand Chamber) of 15 July 2021. B. K. v Republika Slovenija (Ministrstvo za obrambo). Request for a preliminary ruling from the Vrhovno sodišče Republike Slovenije.

Reference for a preliminary ruling – Protection of the safety and health of workers – Organisation of working time – **Members of the armed forces** – Applicability of EU law – Article 4(2) TEU – Directive 2003/88/EC – Scope – Article 1(3) – Directive 89/391/EEC – Article 2(2) – Military activities – **Concept of 'working time' – Stand-by period** – Dispute concerning the remuneration of a worker.

[EUR-Lex - 62019CJ0742](#)

Commission Implementing Decision (EU) 2021/1126 of 8 July 2021 establishing the **equivalence of COVID-19 certificates issued by Switzerland** to the certificates issued in accordance with Regulation (EU) 2021/953 of the European Parliament and of the Council

[EUR-Lex - 32021D1126](#)

1. EU-Swiss Relations

Community Legislation

Decision No 1/2021 of the Joint European Union/Switzerland Air Transport Committee set up under the Agreement between the European Community and the Swiss Confederation on Air Transport of 15 July 2021 **replacing the Annex to the Agreement between the European Community and the Swiss Confederation on Air Transport** [2021/1216]

[EUR-Lex - 22021D1216](#)

Commission Implementing Decision (EU) 2021/1126 of 8 July 2021 establishing the **equivalence of COVID-19 certificates issued by Switzerland** to the certificates issued in accordance with Regulation (EU) 2021/953 of the European Parliament and of the Council

[EUR-Lex - 32021D1126](#)

2. External Relations / Foreign Policy

Nothing to report for the period under review.

3. Agriculture and Fisheries / Maritime Affairs

Community Legislation

Regulation (EU) 2021/1139 of the European Parliament and of the Council of 7 July 2021 establishing the **European Maritime, Fisheries and Aquaculture Fund** and amending Regulation (EU) 2017/1004

[EUR-Lex - 32021R1139](#)

Case Law

Case C-830/19. Judgment of the Court (First Chamber) of 8 July 2021. C.J. v Région wallonne. Request for a preliminary ruling from the Tribunal de première instance de Namur.

Reference for a preliminary ruling – Agriculture – European Agricultural Fund for Rural Development (EAFRD) – Regulation (EU) No 1305/2013 – Delegated Regulation (EU) No 807/2014 – Young farmers setting up – Farm development – **Business start-up aid for young farmers** – Conditions of access – Equivalence – Not setting up as sole head of the holding – Upper thresholds – Fixing – Criteria – Standard output of the agricultural holding.

[EUR-Lex - 62019CJ0830](#)

4. Audiovisual and Media and Information Society

Community Legislation

Regulation (EU) 2021/1232 of the European Parliament and of the Council of 14 July 2021 on a **temporary derogation from certain provisions of Directive 2002/58/EC** as regards the use of technologies by providers of number-independent interpersonal communications services for the processing of personal and other data for the **purpose of combating online child sexual abuse**

[EUR-Lex - 32021R1232](#)

Case Law

Case C-401/19. Opinion of Advocate General Saugmandsgaard Øe delivered on 15 July 2021. Republic of Poland v European Parliament, Council of the European Union.

Action for annulment – Directive (EU) 2019/790 – Copyright and related rights – **Use of protected content by online content-sharing service providers** – Communication to the public – Liability of those providers – Article 17 – Exemption from liability – Article 17(4)(b) and (c), in fine – **Filtering of content uploaded by users** – Freedom of expression and information – Charter of Fundamental Rights of the European Union – Article 11(1) – Compatibility – Safeguards governing such filtering.

[EUR-Lex - 62019CC0401](#)

5. Competition and State Aid

Case Law

Case C-30/20. Judgment of the Court (First Chamber) of 15 July 2021. RH v AB Volvo and Others. Request for a preliminary ruling from the Juzgado de lo Mercantil de Madrid.

Reference for a preliminary ruling – Judicial cooperation in civil matters – **Jurisdiction and enforcement of judgments in civil and commercial matters** – Regulation (EU) No 1215/2012 – Article 7(2) – Jurisdiction in matters relating to tort, delict or quasi-delict – Place where the damage occurred – **Cartel declared contrary to Article 101 TFEU and Article 53 of the Agreement on the European Economic Area** – Determination of international and territorial jurisdiction – Centralisation of jurisdiction in favour of a specialised court.

[EUR-Lex - 62020CJ0030](#)

6. Customs

Case Law

Case C-362/20. Judgment of the Court (Tenth Chamber) of 15 July 2021. Openbaar Ministerie and Federale Overheidsdienst Financiën v Profit Europe NV and Gosselin Forwarding Services NV. Request for a preliminary ruling from the Hof van beroep te Antwerpen.

Reference for a preliminary ruling – Commercial policy – Regulation (EU) No 1071/2012 – Implementing Regulation (EU) No 430/2013 – Common Customs Tariff – Tariff classification – Combined Nomenclature – Subheadings 7307 11 10, 7307 19 10 and 7307 19 90 – Scope – Tariff classification resulting from a Court judgment – **Definitive anti-dumping duties on imports of threaded tube or pipe cast fittings, of malleable cast iron** – Whether definitive anti-dumping duties are applicable on imports of threaded tube or pipe cast fittings, of spheroidal graphite cast iron.

[EUR-Lex - 62020CJ0362](#)

7. Economic and Monetary Affairs, Taxation, Enterprise

Community Legislation

Council Directive (EU) 2021/1159 of 13 July 2021 amending Directive 2006/112/EC as regards **temporary exemptions on importations and on certain supplies, in response to the COVID-19 pandemic**

[EUR-Lex - 32021L1159](#)

Case Law

Joined Cases C-584/20 P and C-621/20 P. Judgment of the Court (Grand Chamber) of 15 July 2021. European Commission and Single Resolution Board v Landesbank Baden-Württemberg.

Appeal – **Banking union – Single Resolution Mechanism (SRM)** – Single Resolution Fund (SRF) – Calculation of the 2017 ex ante contributions – Authentication of a decision of the Single Resolution Board (SRB) – Obligation to state reasons – Confidential data – **Legality of Delegated Regulation (EU) 2015/63.**

[EUR-Lex - 62020CJ0584](#)

Affaire C-911/19. Arrêt de la Cour (grande chambre) du 15 juillet 2021. Fédération bancaire française (FBF) contre Autorité de contrôle prudentiel et de résolution (ACPR). Demande de décision préjudicielle, introduite par le Conseil d'État (France).

Renvoi préjudiciel – Articles 263 et 267 TFUE – Acte de l'Union juridiquement non contraignant – **Contrôle juridictionnel – Orientations émises par l'Autorité bancaire européenne (ABE)** – Modalités de gouvernance et de surveillance des produits bancaires de détail – Validité – Compétence de l'ABE.

[EUR-Lex - 62019CJ0911](#)

Affaire C-241/20. Arrêt de la Cour (première chambre) du 15 juillet 2021. BJ contre État belge. Demande de décision préjudicielle, introduite par le tribunal de première instance du Luxembourg.

Renvoi préjudiciel – Libre circulation des travailleurs – Libre circulation des capitaux – Impôt sur le revenu – Législation visant à éviter les doubles impositions – **Revenus perçus dans un État membre autre que celui de résidence** – Modalités du calcul de l'exonération dans l'État membre de résidence – **Perte d'une partie du bénéfice de certains avantages fiscaux.**

[EUR-Lex - 62020CJ0241](#)

Case C-521/19. Judgment of the Court (Third Chamber) of 1 July 2021. CB v Tribunal Económico Administrativo Regional de Galicia. Request for a preliminary ruling from the Tribunal Superior de Justicia de Galicia.

Reference for a preliminary ruling – Taxation – Value added tax (VAT) – Directive 2006/112/EC – Tax inspection – Supply of services as an activity of an agent for performing artists – Transactions subject to VAT – **Transactions not declared to the tax authority and not invoiced** – Fraud – Reconstitution of the taxable amount for income tax purposes – Principle of VAT neutrality – Inclusion of VAT in the reconstituted taxable amount.

[EUR-Lex - 62019CJ0521](#)

8. Education, Training, Youth, Culture, Research and Innovation

Nothing to report for the period under review.

9. Employment and Social Affairs

Case Law

Joined Cases C-152/20 and C-218/20. Judgment of the Court (First Chamber) of 15 July 2021. DG and Others v SC Gruber Logistics SRL and SC Samidani Trans SRL. Requests for a preliminary ruling from the Tribunalul Mureş.

Reference for a preliminary ruling – Judicial cooperation in civil matters – **Law applicable to contractual obligations** – Regulation (EC) No 593/2008 – Articles 3 and 8 – Choice of law by the parties – Individual employment contracts – Employees who perform work in more than one Member State – **Existence of closer connections with a country other than that in which or from which the employee habitually carries out his or her work or in which the place of business through which the employee was engaged is situated** – Concept of 'provisions which cannot be derogated from by agreement' – Minimum wage.

[EUR-Lex - 62020CJ0152](#)

Affaire C-795/19. Arrêt de la Cour (deuxième chambre) du 15 juillet 2021. XX contre Tartu Vangla. Demande de décision préjudicielle, introduite par la Riigikohus.

Renvoi préjudiciel – Politique sociale – Égalité de traitement en matière d’emploi et de travail – Directive 2000/78/CE – **Interdiction de discrimination fondée sur le handicap** – Article 2, paragraphe 2, sous a) – Article 4, paragraphe 1 – Article 5 – **Réglementation nationale prévoyant des exigences en matière d’acuité auditive des agents pénitentiaires** – Non-respect des seuils de perception sonore minimaux requis – Impossibilité absolue de maintien en fonction.

[EUR-Lex - 62019CJ0795](#)

Case C-742/19. Judgment of the Court (Grand Chamber) of 15 July 2021. B. K. v Republika Slovenija (Ministrstvo za obrambo). Request for a preliminary ruling from the Vrhovno sodišče Republike Slovenije.

Reference for a preliminary ruling – Protection of the safety and health of workers – Organisation of working time – **Members of the armed forces** – Applicability of EU law – Article 4(2) TEU – Directive 2003/88/EC – Scope – Article 1(3) – Directive 89/391/EEC – Article 2(2) – Military activities – **Concept of ‘working time’ – Stand-by period** – Dispute concerning the remuneration of a worker.

[EUR-Lex - 62019CJ0742](#)

Joined Cases C-804/18 and C-341/19. Judgment of the Court (Grand Chamber) of 15 July 2021. IX and MH Müller Handels GmbH v WABE eV and MJ. Requests for a preliminary ruling from the Arbeitsgericht Hamburg and Bundesarbeitsgericht.

Reference for a preliminary ruling – Social policy – Directive 2000/78/EC – Equal treatment in employment and occupation – Prohibition of discrimination on the grounds of religion or belief – **Internal rule of a private undertaking prohibiting the wearing of any visible political, philosophical or religious sign** or the wearing of conspicuous, large-sized political, philosophical or religious signs in the workplace – Direct or indirect discrimination – Proportionality – **Balancing the freedom of religion and other fundamental rights** – Legitimacy of the policy of neutrality adopted by the employer – Need to establish economic loss suffered by the employer.

[EUR-Lex - 62018CJ0804](#)

Case C-71/20. Judgment of the Court (Fourth Chamber) of 8 July 2021. Criminal proceedings against VAS Shipping ApS. Request for a preliminary ruling from the Østre Landsret.

Reference for a preliminary ruling – Articles 49 and 54 TFEU – Freedom of establishment – **National legislation requiring third-country nationals employed on a vessel flying the flag of a Member State to hold a work permit in that Member State** – Exemption covering vessels that call at the Member State’s port no more than 25 times in a one-year period – Restriction – Article 79(5) TFEU – National legislation aimed at fixing the volumes of admission of third-country nationals coming from third countries to the territory of the Member State concerned in order to seek work, whether employed or self-employed.

[EUR-Lex - 62020CJ0071](#)

Case C-428/19. Judgment of the Court (First Chamber) of 8 July 2021. OL and Others v Rapidsped Fuvarozási és Szállítmányozási Zrt. Request for a preliminary ruling from the Gyulai Törvényszék.

Reference for a preliminary ruling – Directive 96/71/EEC – Article 1(1) and Articles 3 and 5 – Posting of workers in the framework of the provision of services – **Drivers working in international road transport – Compliance with the minimum rates of pay of the country of posting** – Daily allowance – Regulation (EC) No 561/2006 – Article 10 – Remuneration paid to employees according to fuel consumption.

[EUR-Lex - 62019CJ0428](#)

10. Energy and Environment

Community Legislation

Regulation (EU) 2021/1153 of the European Parliament and of the Council of 7 July 2021 establishing the Connecting Europe Facility and repealing Regulations (EU) No 1316/2013 and (EU) No 283/2014

[EUR-Lex - 32021R1153](#)

Case Law

Case C-848/19 P. Judgment of the Court (Grand Chamber) of 15 July 2021. Federal Republic of Germany v European Commission.

Appeal – Article 194(1) TFEU – **Principle of energy solidarity** – Directive 2009/73/EC – **Internal market in natural gas** – Article 36(1) – Decision of the European Commission on review of the exemption of the OPAL pipeline from the requirements on third-party access and tariff regulation following a request by the German regulatory authority – Action for annulment.

[EUR-Lex - 62019CJ0848](#)

11. Food Safety, Public Health and Consumers

Case Law

Affaire C-190/20. Arrêt de la Cour (quatrième chambre) du 15 juillet 2021. DocMorris NV contre Apothekerkammer Nordrhein. Demande de décision préjudicielle, introduite par le Bundesgerichtshof.

Renvoi préjudiciel – **Médicaments à usage humain soumis à prescription médicale** – Directive 2001/83/CE – Champ d'application – Publicité d'une pharmacie par correspondance visant à influencer non pas le choix du client pour un médicament donné, mais celui de la pharmacie – Jeu promotionnel – Libre circulation des marchandises – **Réglementation nationale – Interdiction d'offrir, d'annoncer ou d'accorder des avantages et autres cadeaux publicitaires dans le domaine des produits thérapeutiques** – Modalités de vente échappant au domaine d'application de l'article 34 TFUE.

[EUR-Lex - 62020CJ0190](#)

Joined Cases C-693/19 and C-831/19. Opinion of Advocate General Tanchev delivered on 15 July 2021. SPV Project 1503 Srl, Dobank SpA v YB (C-693/19) and Banco di Desio e della Brianza SpA, Banca di Credito Cooperativo di Carugate e Inzago Sc, Intesa Sanpaolo SpA, Banca Popolare di Sondrio ScpA, Cerved Credit Management SpA v YX, ZW (C-831/19) (Request for a preliminary ruling from the Tribunale di Milano (District Court, Milan, Italy))

Reference for a preliminary ruling – Directive 93/13/EEC – **Unfair terms in consumer contracts** – Articles 6(1) and 7(1) – Principle of effectiveness – Article 47 of the Charter of Fundamental Rights of the European Union – Order for payment procedure – Enforcement proceedings – **Order for payment having the force of res judicata** – **Power of the national court responsible for enforcement** to examine the unfairness of contractual terms – Principle of res judicata – Time-barring

[EUR-Lex - 62019CC0693](#)

Affaire C-178/20. Arrêt de la Cour (quatrième chambre) du 8 juillet 2021. Pharma Expressz Szolgáltató és Kereskedelmi Kft contre Országos Gyógyszerészeti és Élelmezés-egészségügyi Intézet. Demande de décision préjudicielle, introduite par la Fővárosi Törvényszék.

Renvoi préjudiciel – Libre circulation des marchandises – **Médicaments à usage humain** – Directive 2001/83/CE – Article 5, paragraphe 1, article 6, paragraphe 1, et articles 70 à 73 – Médicaments autorisés dans un premier État membre – Classification comme médicaments non soumis à prescription médicale – Vente dans les pharmacies d'un second État membre sans autorisation de mise sur le marché dans celui-ci – **Réglementation nationale imposant une notification à l'autorité compétente et une déclaration de celle-ci sur l'usage de ce médicament** – Article 34 TFUE – Restriction quantitative.

[EUR-Lex - 62020CJ0178](#)

12. Human Rights

Case Law

Case C-709/20. Judgment of the Court (Grand Chamber) of 15 July 2021. CG v The Department for Communities in Northern Ireland. Request for a preliminary ruling from the Appeal Tribunal (Northern Ireland).

Reference for a preliminary ruling – Citizenship of the Union – National of a Member State without an activity residing in the territory of another Member State on the basis of national law – The first paragraph of Article 18 TFEU – **Non-discrimination based on nationality** – Directive 2004/38/EC – Article 7 – **Conditions for obtaining a right of residence for more than three months** – Article 24 – **Social assistance** – Concept – Equal treatment – **Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland** – Transition period – National provision excluding Union citizens with a right of residence for a fixed period under national law from social assistance – **Charter of Fundamental Rights of the European Union** – Articles 1, 7 and 24.

[EUR-Lex - 62020CJ0709](#)

Affaire C-795/19. Arrêt de la Cour (deuxième chambre) du 15 juillet 2021. XX contre Tartu Vangla. Demande de décision préjudicielle, introduite par la Riigikohus.

Renvoi préjudiciel – Politique sociale – Égalité de traitement en matière d’emploi et de travail – Directive 2000/78/CE – **Interdiction de discrimination fondée sur le handicap** – Article 2, paragraphe 2, sous a) – Article 4, paragraphe 1 – Article 5 – **Réglementation nationale prévoyant des exigences en matière d’acuité auditive des agents pénitentiaires** – Non-respect des seuils de perception sonore minimaux requis – Impossibilité absolue de maintien en fonction.

[EUR-Lex - 62019CJ0795](#)

Case C-791/19. Judgment of the Court (Grand Chamber) of 15 July 2021. European Commission v Republic of Poland.

Failure of a Member State to fulfil obligations – Disciplinary regime applicable to judges – Rule of law – **Independence of judges** – Effective legal protection in the fields covered by Union law – Second subparagraph of Article 19(1) TEU – Article 47 of the Charter of Fundamental Rights of the European Union – **Disciplinary offences resulting from the content of judicial decisions** – Independent disciplinary courts or tribunals established by law – Respect for reasonable time and the rights of the defence in disciplinary proceedings – Article 267 TFEU – Restriction of the right of national courts to submit requests for a preliminary ruling to the Court of Justice and of their obligation to do so.

[EUR-Lex - 62019CJ0791](#)

Joined Cases C-804/18 and C-341/19. Judgment of the Court (Grand Chamber) of 15 July 2021. IX and MH Müller Handels GmbH v WABE eV and MJ. Requests for a preliminary ruling from the Arbeitsgericht Hamburg and Bundesarbeitsgericht.

Reference for a preliminary ruling – Social policy – Directive 2000/78/EC – Equal treatment in employment and occupation – Prohibition of discrimination on the grounds of religion or belief – **Internal rule of a private undertaking prohibiting the wearing of any visible political, philosophical or religious sign** or the wearing of conspicuous, large-sized political, philosophical or religious signs in the workplace – Direct or indirect discrimination – Proportionality – **Balancing the freedom of religion and other fundamental rights** – Legitimacy of the policy of neutrality adopted by the employer – Need to establish economic loss suffered by the employer.

[EUR-Lex - 62018CJ0804](#)

Case C-401/19. Opinion of Advocate General Saugmandsgaard Øe delivered on 15 July 2021. Republic of Poland v European Parliament, Council of the European Union.

Action for annulment – Directive (EU) 2019/790 – Copyright and related rights – **Use of protected content by online content-sharing service providers** – Communication to the public – Liability of those providers – Article 17 – Exemption from liability – Article 17(4)(b) and (c), in fine – **Filtering of content uploaded by users – Freedom of expression and information** – Charter of Fundamental Rights of the European Union – Article 11(1) – Compatibility – Safeguards governing such filtering.

[EUR-Lex - 62019CC0401](#)

13. Internal Market and Free Movement

Case Law

Case C-709/20. Judgment of the Court (Grand Chamber) of 15 July 2021. CG v The Department for Communities in Northern Ireland. Request for a preliminary ruling from the Appeal Tribunal (Northern Ireland).

Reference for a preliminary ruling – Citizenship of the Union – National of a Member State without an activity residing in the territory of another Member State on the basis of national law – The first paragraph of Article 18 TFEU – **Non-discrimination based on nationality** – Directive 2004/38/EC – Article 7 – **Conditions for obtaining a right of residence for more than three months** – Article 24 – Social assistance – Concept – Equal treatment – **Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland** – Transition period – National provision excluding Union citizens with a right of residence for a fixed period under national law from social assistance – Charter of Fundamental Rights of the European Union – Articles 1, 7 and 24.

[EUR-Lex - 62020CJ0709](#)

Case C-325/20. Judgment of the Court (Sixth Chamber) of 15 July 2021. BEMH and Conseil national des centres commerciaux v Premier ministre and Others. Request for a preliminary ruling from the Conseil d'État.

Reference for a preliminary ruling – Directive 2006/123/EC – Article 14(6) – Freedom of establishment – **Commercial operating permit issued by a collegiate body** – Body made up of, inter alia, recognised experts representative of the economic fabric – Persons potentially constituting or representing competing operators of the applicant for authorisation – Prohibition.

[EUR-Lex - 62020CJ0325](#)

Case C-535/19. Judgment of the Court (Grand Chamber) of 15 July 2021. A v Latvijas Republikas Veselības ministrija. Request for a preliminary ruling from the Augstākā tiesa (Senāts).

Reference for a preliminary ruling – Freedom of movement for persons – Citizenship of the Union – Regulation (EC) No 883/2004 – Article 3(1)(a) – Sickness benefits – Concept – Article 4 and Article 11(3)(e) – Directive 2004/38/EC – Article 7(1)(b) – Right of residence for more than three months – Condition of having comprehensive sickness insurance cover – Article 24 – Equal treatment – **Economically inactive national of a Member State residing legally in the territory of another Member State – Refusal by the host Member State to affiliate that person to its public sickness insurance system.**

[EUR-Lex - 62019CJ0535](#)

Affaire C-241/20. Arrêt de la Cour (première chambre) du 15 juillet 2021. BJ contre État belge. Demande de décision préjudicielle, introduite par le tribunal de première instance du Luxembourg.

Renvoi préjudiciel – Libre circulation des travailleurs – Libre circulation des capitaux – Impôt sur le revenu – Législation visant à éviter les doubles impositions – **Revenus perçus dans un État membre autre que celui de résidence** – Modalités du calcul de l'exonération dans l'État membre de résidence – **Perte d'une partie du bénéfice de certains avantages fiscaux.**

[EUR-Lex - 62020CJ0241](#)

Case C-71/20. Judgment of the Court (Fourth Chamber) of 8 July 2021. Criminal proceedings against VAS Shipping ApS. Request for a preliminary ruling from the Østre Landsret.

Reference for a preliminary ruling – Articles 49 and 54 TFEU – Freedom of establishment – **National legislation requiring third-country nationals employed on a vessel flying the flag of a Member State to hold a work permit in that Member State** – Exemption covering vessels that call at the Member State's port no more than 25 times in a one-year period – Restriction – Article 79(5) TFEU – National legislation aimed at fixing the volumes of admission of third-country nationals coming from third countries to the territory of the Member State concerned in order to seek work, whether employed or self-employed.

[EUR-Lex - 62020CJ0071](#)

Affaire C-178/20. Arrêt de la Cour (quatrième chambre) du 8 juillet 2021. Pharma Expressz Szolgáltató és Kereskedelmi Kft contre Országos Gyógyszerészeti és Élelmezés-egészségügyi Intézet. Demande de décision préjudicielle, introduite par la Fővárosi Törvényszék.

Renvoi préjudiciel – Libre circulation des marchandises – Médicaments à usage humain – Directive 2001/83/CE – Article 5, paragraphe 1, article 6, paragraphe 1, et articles 70 à 73 – **Médicaments autorisés dans un premier État membre** – Classification comme médicaments non soumis à prescription médicale – Vente dans les pharmacies d'un second État membre sans autorisation de mise sur le marché dans celui-ci – **Réglementation nationale imposant une notification à l'autorité compétente et une déclaration de celle-ci sur l'usage de ce médicament** – Article 34 TFUE – Restriction quantitative.

[EUR-Lex - 62020CJ0178](#)

14. Intellectual Property

Case Law

Case C-401/19. Opinion of Advocate General Saugmandsgaard Øe delivered on 15 July 2021. Republic of Poland v European Parliament, Council of the European Union.

Action for annulment – Directive (EU) 2019/790 – Copyright and related rights – **Use of protected content by online content-sharing service providers** – Communication to the public – Liability of those providers – Article 17 – Exemption from liability – Article 17(4)(b) and (c), in fine – **Filtering of content uploaded by users** – Freedom of expression and information – Charter of Fundamental Rights of the European Union – Article 11(1) – Compatibility – Safeguards governing such filtering.

[EUR-Lex - 62019CC0401](#)

15. Justice, Freedom and Security (incl. Judicial Cooperation)

Community Legislation

Regulation (EU) 2021/1134 of the European Parliament and of the Council of 7 July 2021 amending Regulations (EC) No 767/2008, (EC) No 810/2009, (EU) 2016/399, (EU) 2017/2226, (EU) 2018/1240, (EU) 2018/1860, (EU) 2018/1861, (EU) 2019/817 and (EU) 2019/1896 of the European Parliament and of the Council and repealing Council Decisions 2004/512/EC and 2008/633/JHA, for the purpose of **reforming the Visa Information System**

[EUR-Lex - 32021R1134](#)

Regulation (EU) 2021/1147 of the European Parliament and of the Council of 7 July 2021 **establishing the Asylum, Migration and Integration Fund**

[EUR-Lex - 32021R1147](#)

Regulation (EU) 2021/1151 of the European Parliament and of the Council of 7 July 2021 amending Regulations (EU) 2019/816 and (EU) 2019/818 as regards the establishment of the **conditions for accessing other EU information systems for the purposes of the European Travel Information and Authorisation System**

[EUR-Lex - 32021R1151](#)

Case Law

Joined Cases C-152/20 and C-218/20. Judgment of the Court (First Chamber) of 15 July 2021. DG and Others v SC Gruber Logistics SRL and SC Samidani Trans SRL. Requests for a preliminary ruling from the Tribunalul Mureş.

Reference for a preliminary ruling – Judicial cooperation in civil matters – **Law applicable to contractual obligations** – Regulation (EC) No 593/2008 – Articles 3 and 8 – Choice of law by the parties – Individual employment contracts – Employees who perform work in more than one Member State – **Existence of closer connections with a country other than that in which or from which the employee habitually carries out his or her work or in which the place of business through which the employee was engaged is situated** – Concept of ‘provisions which cannot be derogated from by agreement’ – Minimum wage.

[EUR-Lex - 62020CJ0152](#)

Case C-30/20. Judgment of the Court (First Chamber) of 15 July 2021. RH v AB Volvo and Others. Request for a preliminary ruling from the Juzgado de lo Mercantil de Madrid.

Reference for a preliminary ruling – Judicial cooperation in civil matters – **Jurisdiction and enforcement of judgments in civil and commercial matters** – Regulation (EU) No 1215/2012 – Article 7(2) – Jurisdiction in matters relating to tort, delict or quasi-delict – Place where the damage occurred – **Cartel declared contrary to Article 101 TFEU and Article 53 of the Agreement on the European Economic Area** – Determination of international and territorial jurisdiction – Centralisation of jurisdiction in favour of a specialised court.

[EUR-Lex - 62020CJ0030](#)

Case C-301/20. Judgment of the Court (Sixth Chamber) of 1 July 2021. UE and HC v Vorarlberger Landes- und Hypotheken-Bank AG. Request for a preliminary ruling from the Oberster Gerichtshof.

Reference for a preliminary ruling – Judicial cooperation in civil matters – Regulation (EU) No 650/2012 – **European Certificate of Succession – Validity of a certified copy of the certificate not having an expiration date** – Article 65(1) – Article 69 – Effects of the certificate as regards the persons who are designated on it but have not requested it to be issued – Article 70(3) – Date to take into account for the assessment of the validity of the copy – Evidential effects of the copy.

[EUR-Lex - 62020CJ0301](#)

16. Transport

Community Legislation

Directive (EU) 2021/1187 of the European Parliament and of the Council of 7 July 2021 on streamlining measures for advancing the realisation of the **trans-European transport network** (TEN-T)

[EUR-Lex - 32021L1187](#)

Regulation (EU) 2021/1153 of the European Parliament and of the Council of 7 July 2021 establishing the Connecting Europe Facility and repealing Regulations (EU) No 1316/2013 and (EU) No 283/2014

[EUR-Lex - 32021R1153](#)

Case Law

Case C-60/20. Judgment of the Court (Fifth Chamber) of 15 July 2021. „Latvijas dzelzceļš” VAS v Valsts dzelzceļa administrācija. Request for a preliminary ruling from the Administratīvā apgabaltiesa.

Reference for a preliminary ruling – Rail transport – Directive 2012/34/EU – **Single European railway area** – Article 13(2) and (6) – Access to service facilities and to rail-related services – Regulation (EU) 2017/2177 – Reconversion of facilities – **Powers of the regulatory body.**

[EUR-Lex - 62020CJ0060](#)

Case C-937/19. Judgment of the Court (Eighth Chamber) of 8 July 2021. Staatsanwaltschaft Köln and Bundesamt für Güterverkehr v KA. Request for a preliminary ruling from the Amtsgericht Köln.
Reference for a preliminary ruling – Regulation (EC) No 1072/2009 – Article 1(5)(d) – Article 8 – **International carriage of goods by road from one Member State to another Member State** – Cabotage operations following that international carriage in the territory of the latter Member State – Restrictions – Requirement of a Community licence and, where appropriate, a carriage authorisation – Exemptions – Cabotage operations following an international carriage on one’s own account – Conditions.

[EUR-Lex - 62019CJ0937](#)

Case C-428/19. Judgment of the Court (First Chamber) of 8 July 2021. OL and Others v Rapidsped Fuvarozási és Szállítmányozási Zrt. Request for a preliminary ruling from the Gyulai Törvényszék.

Reference for a preliminary ruling – Directive 96/71/EEC – Article 1(1) and Articles 3 and 5 – Posting of workers in the framework of the provision of services – Drivers working in international road transport – **Compliance with the minimum rates of pay of the country of posting** – Daily allowance – Regulation (EC) No 561/2006 – Article 10 – Remuneration paid to employees according to fuel consumption.

[EUR-Lex - 62019CJ0428](#)

17. Community Institutions, Principles and the Communities’ own Resources

Case Law

Affaire C-911/19. Arrêt de la Cour (grande chambre) du 15 juillet 2021. Fédération bancaire française (FBF) contre Autorité de contrôle prudentiel et de résolution (ACPR). Demande de décision préjudicielle, introduite par le Conseil d’État (France).

Renvoi préjudiciel – Articles 263 et 267 TFUE – Acte de l’Union juridiquement non contraignant – **Contrôle juridictionnel – Orientations émises par l’Autorité bancaire européenne (ABE)** – Modalités de gouvernance et de surveillance des produits bancaires de détail – Validité – Compétence de l’ABE.

[EUR-Lex - 62019CJ0911](#)

Case C-791/19. Judgment of the Court (Grand Chamber) of 15 July 2021. European Commission v Republic of Poland.

Failure of a Member State to fulfil obligations – Disciplinary regime applicable to judges – Rule of law – **Independence of judges** – Effective legal protection in the fields covered by Union law – Second subparagraph of Article 19(1) TEU – Article 47 of the Charter of Fundamental Rights of the European Union – Disciplinary offences resulting from the content of judicial decisions – Independent disciplinary courts or tribunals established by law – Respect for reasonable time and the rights of the defence in disciplinary proceedings – Article 267 TFEU – **Restriction of the right of national courts to submit requests for a preliminary ruling to the Court of Justice and of their obligation to do so.**

[EUR-Lex - 62019CJ0791](#)

Case T-185/19. Judgment of the General Court (Fifth Chamber, Extended Composition) of 14 July 2021. Public.Resource.Org, Inc. and Right to Know CLG v European Commission.

Access to documents – Regulation (EC) No 1049/2001 – Harmonised standards – Documents concerning four harmonised standards approved by CEN – Refusal to grant access – Exception relating to the protection of the commercial interests of a third party – Protection deriving from copyright.

[EUR-Lex - 62019TJ0185](#)